

**DATE:** August 29, 1980 **Revised November 15, 2002**

Working Memo 276

**TO:** Division Staff

**FROM:** Robert B. Taylor, Director  
Division of Drinking Water

**SUBJECT:** Water - Procedure - Interaction with the Board of Housing and  
Community Development

A revised Memorandum of Agreement (attached) has been signed between the State Health Commissioner and the Director of the Department of Housing and Community Development (DHCD) to coordinate the application of the *Waterworks Regulations* and the BOCA Code. This document clarifies areas where the *Regulations* and the Code may overlap.

From time to time in order to adequately coordinate with local building officials, you may need to contact them. An alphabetical address listing by locality of each local building official has been requested from DHCD. An organization chart for DHCD can be found on their website. Please be aware that the local building officials are local and are only advised, not controlled, by state building officials. Any disputes with a local official's decision must be settled through local and state review boards.

Hopefully this revised agreement will improve understanding and cooperation from the local building officials.

Attachment: MOA

GWP/teh



# COMMONWEALTH of VIRGINIA

## *Department of Health* Division of Drinking Water

October 16, 2002

Main Street Station Building  
1500 East Main Street, Room 109  
Richmond, VA 23219  
Fax: 804/225-4539

Mr. Emory Rodgers  
Virginia Department of Housing  
and Community Development  
The Jackson Center  
501 North Second Street  
Richmond, Virginia 23219-1321

Dear Mr. Rodgers:

Please find attached a copy of the June 28, 2002, Memorandum of Agreement (MOA) signed by Dr. Robert B. Stroube, State Health Commissioner. I would like to thank you and the other Virginia Department of Housing and Community Development staff members for working together with us to revise this MOA. Please join us as we encourage our respective field staff to heed the MOA.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert B. Taylor".

Robert B. Taylor, P.E., Director  
Division of Drinking Water

/kew

Attachment

September 18, 2002

MEMORANDUM

**TO:** Robert B. Stroube, M.D., M.P.H.  
State Health Commissioner

**THROUGH:** Robert W. Hicks, Director  
Office of Environmental Health Services

**THROUGH:** James E. Burns, M.D., M.B.A.  
Deputy Commissioner for Public Health

**FROM:** Robert B. Taylor, P.E., Director  
Division of Drinking Water

**SUBJECT:** Memorandum of Agreement  
Virginia Department of Housing and Community  
Development/Virginia Department of Health (VDHCD/VDH)

In the late 1980's a Memorandum of Agreement (MOA) was entered into with the Virginia Department of Housing and Community Development (VDHCD) to coordinate the application of the *Waterworks Regulations* and the Building Official Code Administration (BOCA). The main issues were to establish a "line of demarcation" between the two Regulations, an agreement to not issue building permits if the waterworks had reached maximum capacity, and to recognize the interrelationships for cross connection control. The existing MOA is outdated relative to incidentals and the VDHCD began the process of revising it in conjunction with updating a MOA on the Sewage Handling and Disposal Regulations and the Sewage Collection and Treatment Regulations (SCAT).

The Revised Version is substantially similar to the initial MOA with updated language and minor clarifications.

I recommend that you sign the MOA.

/kew

Enclosure

MEMORANDUM OF AGREEMENT  
between the  
Board of Housing and Community Development  
and the  
Virginia Department of Health

In accordance with Section 36-97 "et seq." Code of Virginia, the Virginia Department of Health (hereafter referred to as the "Department") and the Board of Housing and Community Development (hereafter referred to as the "BHCD") on this June 28, 2002, agrees to coordinate the Uniform Statewide Building Code (hereafter referred to as the "USBC") and the Virginia Waterworks Regulations (hereafter referred to as the "Regulations"). The parties agree to the following:

1. That adoption and promulgation of the USBC is the responsibility of the BHCD; that enforcement of the USBC is the responsibility of the local building department; and that adoption, promulgation and enforcement of the Regulations is the responsibility of the Department.
2. That the jurisdiction of the USBC includes all buildings and structures and their internal service plumbing, up to the point of connection to the water meter; and that the jurisdiction of the Regulations includes the meter, all public water supply transmission mains, treatment facilities, and raw water collection and transmission facilities. Where no meter is installed, the point of demarcation between the jurisdiction of the USBC and of the Regulations is the point of connection to the public water supply main; or, in the case of an owner of both public water supply system and the building served, the point of demarcation is the point of entry into the building;
3. That both the USBC and the Regulations will include a clear reference to jurisdiction of the other document.
4. That the Regulations will require each waterworks owner to have a cross-connection prevention program consistent with the Regulations. The regulations will require, as a minimum, a containment device at each service connection where a health, pollution or system hazard to the waterworks exists. It is recognized that in lieu of such containment devices, point of use devices shall comply with the provisions of the USBC. Point of use devices approved by the waterworks owner/Department shall be deemed to be in compliance with the USBC.
5. That wherever public water supply and/or water treatment equipment or facilities are located in a building or structure, the Regulations apply to all such equipment and the USBC applies to the structure and all of its incidental utilities (i.e. heating, electrical, house plumbing, etc.).
6. That the building official is required by the USBC to be assured that the water supply to a building is safe and of adequate capacity before issuing a building permit. Building permits involving a new water connection or extension of an existing connection to a public water supply main shall not be issued when the Department has notified the building official in writing that the water supply system is at or above its permitted capacity.

Memorandum of Agreement  
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7. That appropriate amendments, additions, or deletions will be made to the Regulations and to the USBC to insure that there is no jurisdictional conflict between the two documents.
8. That it is the intention of both the BHCD and the Department to cooperate with each other in resolving any technical conflicts between the Regulations and the USBC, and in developing and implementing operational procedures to insure and promote a constructive working relationship between building and health officials.
9. That, except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staffs, all appropriate regulatory procedures will be exhausted prior to any judicial action.
10. This Agreement may be amended or terminated by mutual consent of the parties.

The undersigned agree to the conditions of this Agreement.



William C. Shelton  
Director, Department of Housing and  
Community Development  
for the Board of Housing and  
Community Development



Dr. Robert B. Stroube  
State Health Commissioner,  
Virginia Department of Health